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ESTABLISHMENT OF A DISPUTE PREVENTION AND EARLY SETTLEMENT SERVICE

Proposal submitted by Sierra Leone

1. The idea of concentrating United Nations efforts on a situation that may become an inflamed dispute likely to endanger international peace and security has now been accepted, but the United Nations has not developed a special mechanism to deal with so many current crises. While the then Secretary-General reorganized the Secretariat in such a way that information on incipient crises is being collected, the Secretariat is being downsized and is not likely to be increased to deal with an avalanche of new problems.

2. A new, not too expensive mechanism is needed for prevention activities. The Sierra Leone proposal can, it is hoped, fill this gap. As the Secretary-General pointed out in his annual report to the General Assembly at its forty-ninth session,[1] preventive measures are highly cost-effective, as the sums they require are paltry by comparison with the huge costs in human suffering and material damage which war always brings, and they also compare favourably "with the less huge, but nevertheless substantial, cost of deploying a peacekeeping operation after hostilities have broken out".

3. The present proposal does not require the creation of new bureaucracy; it would be a small subsidiary organ of the General Assembly established under Article 22 of the Charter of the United Nations, much smaller than the many special committees and working groups that the General Assembly has established in the past.

4. The proposed mechanism may perhaps be called more accurately a "Dispute Prevention and Early Settlement Service" rather than "Dispute Settlement Service", as some objections have been raised to the latter title. Its main function would be to coordinate activities both of the United Nations and of

relevant regional organizations at the pre-dispute stage or early dispute stage when a situation needs to be monitored in order to prevent its aggravation.

5. The mechanism would consist of a Board of Administrators or Directors with five members to be elected by the Sixth Committee of the General Assembly from among 10 candidates proposed, two each by the five regional groups on the Committee as best qualified for administering the Dispute Prevention and Early Settlement Service. The five non-elected candidates would become alternates that would be available to act as substitutes for one or more of the regular members who were not available for a particular activity, because of health or some other special reason. Each Administrator or Director would be elected for three years and would be eligible for re-election. The members of the Board and the alternates would be seconded by their permanent missions to the United Nations and their salaries would continue to be paid by the missions. The Board would be located in New York and secretariat services would be arranged for it by the United Nations Office of Legal Affairs. Alternatively, a Committee of five persons with a Chairman, like any working group, could be formed to carry out the functions of the Service, the members of the Committee to be elected as hereinbefore mentioned. The Sierra Leone delegation would be willing to accept any suitable word in place of the word "Administrator" if it is not acceptable to the majority of delegations.

6. To maintain liaison between the Board and the three principal organs, which are specially concerned about the escalation of situations into full-blown disputes, the President of the Security Council, the President of the General Assembly and the Secretary-General would be invited to appoint their personal representatives who would serve as a link between each of them and the Board, exchange information and participate in the meetings of the Board without a vote. In this way any duplication of efforts would be avoided and coordination of activities would be facilitated.

7. The leadership of each regional group would keep its members of the Board and alternates informed about any relevant preventive activities of the regional organizations or arrangements in the region.

8. One of the main functions of the Board would be to maintain a register of experts (who may be called either settlers, preventers or facilitators of disputes) on the prevention and settlement of disputes and adjustment of situations, composed of names of individuals compiled by the Board itself. It should also include individuals nominated by Member States. A State may nominate either its own nationals or well-known individuals of some other nationality well acquainted with the problems of a particular region. Again, delegations are at liberty to suggest suitable designations for the experts. The Sierra Leone delegation would, however, prefer to retain the word "settler".

9. Having received information through diplomatic channels, the media, the academic community or non-governmental organizations, the Board of Administrators would consult with the Department of Political Affairs of the United Nations Secretariat, which includes six regional divisions (two for Africa, two for Asia and one each for the Americas and Europe) and specializes in collecting information that is relevant for preventive activities and analysing it for the purpose of identifying situations in which the United

Nations could play a useful preventive role. If it is determined that a particular situation may become a threat to the peace, the Dispute Prevention and Early Settlement Service would contact the States concerned and offer its services. If the offer should be rejected by any party, no further action would be taken by the Service.

10. The Security Council, the General Assembly and the Secretary-General would be entitled to request the Service to explore whether a particular situation requires their attention. The Presidents of the Assembly and of the Council and the Secretary-General would be kept informed by their representatives on the Board about the progress of each case and would in turn inform the Board of the views and relevant activities of the persons they represented. By the same channel, the three officials would be informed about the final result, positive or negative, of the Board's and of the experts' activities.

11. The States concerned may prefer receiving quiet and confidential assistance from the Service rather than raising the issue in the General Assembly or the Security Council. The Board of Administrators, after consulting the parties concerned, would choose the appropriate persons from the Register of experts (settlers) to deal with the particular problem: ascertain the facts and views of the parties, consult with the parties about the preferred approach - further consultations, good offices, mediation or conciliation - and advise them how best to proceed.

As the General Assembly has stated, prevention requires "discretion, confidentiality, objectivity and transparency", as appropriate;[2] if the experts (settlers) would observe these injunctions, they would have a chance to find a solution. If one effort does not succeed, the settler or settlers monitoring the situations would propose some other approaches. With patience, persistence and ingenuity, after trying a number of approaches and presenting possible solutions, there is a good chance that a solution would be found which would be considered by the parties to be sufficiently equitable.

12. It should be emphasized that the essence of the Sierra Leone proposal is to have some form of third-party service which will offer assistance to parties in dispute. The services to be offered should be spontaneous and voluntary. It is for the parties to decide if they want to accept the offer of the services.

13. The proposed Service might be given a trial run of at least three years, and if successful, would be made permanent. The General Assembly would retain in any case the power to revise at any time the mandate of the Service or to terminate it completely.

14. The Sierra Leone delegation has tried to take into account in this revised proposal both the previous discussions at the United Nations and the recent debate in this Committee. As it has stated previously, Sierra Leone considers that its proposal is not a quantum leap into the unknown, but rather builds further on the implementation of various exhortations and decisions by the General Assembly and the Security Council and the Secretary-General, and would make it easier for the United Nations to deal effectively with preventive measures, thus strengthening the role of the United Nations in the maintenance of international peace and security. While the details of this proposal can be

changed or improved, what matters most to Sierra Leone and other supporters of this proposal is that the establishment of this Service would be beneficial to the United Nations and to humankind.

Notes

[1] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 1, para. 411.

[2] General Assembly resolution 47/120 A, 9th preambular paragraph.